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NATIONAL RAILROAD PASSENGER
CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

MARY B. FOYE,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION

Defendant.

Case No. C 3:08-cv-04796-SI

**[PROPOSED] ORDER REGARDING
MOTIONS TO AMEND**

Complaint Filed: July 17, 2008
Trial Date: July 12, 2010

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The Court has received Plaintiff Mary Foye and Defendant National Railroad Passenger Corporation (“Amtrak”) (collectively “the parties”) Supplemental Joint Case Management Statement and the parties, through their respective counsel of record, appeared before the Court at the Further Case Management Conference on April 24, 2009. After full consideration of the parties’ Joint Case Management Statement and after discussion with counsel, the Court finds and orders as follows:

IT IS HEREBY ORDERED that

1. Plaintiff is granted leave to file the proposed amended complaint attached as Exhibit A to the parties’ Supplemental Joint Case Management Statement, and must file and serve her amended complaint within 10 days of the date of this order. Defendant will then have 15 days after the date of service of the complaint to file a responsive pleading.

2. Defendant is allowed an additional ten special interrogatories to address the new claims asserted in Plaintiff's proposed amended complaint, for a total of 35 interrogatories.

3. Any affirmative defense of res judicata and/or collateral estoppel asserted by Defendant in response to Plaintiff's amended complaint will apply to all the claims asserted in Plaintiff's original complaint, not just the new claims asserted in Plaintiff's proposed amended complaint.

4. Because this order addresses all the issues raised in the parties' pending motions to amend, those motions are taken off calendar.

5. A further case management conference is scheduled for July 31, 2009 at 3:300 p.m. The parties are to submit a joint case management statement one week before the conference.

IT IS SO ORDERED.

Dated: _____



The Honorable Susan Illston
United States District Court Judge